



RCE JW

PTO/SB/30 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

|                        |                  |
|------------------------|------------------|
| Application Number     | 10/038278        |
| Filing Date            | 4 January 2002   |
| First Named Inventor   | OMURA, Yoshiharu |
| Art Unit               | 3727             |
| Examiner Name          | Smalley, J. N.   |
| Attorney Docket Number | 771,057          |

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☐ Deposit Account No. 080879. I have enclosed a duplicate copy of this sheet.

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☒ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|                   |                |                  |         |
|-------------------|----------------|------------------|---------|
| Signature         |                | Date             | 6-24-05 |
| Name (Print/Type) | John S. Egbert | Registration No. | 30627   |

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

|                   |                |      |         |
|-------------------|----------------|------|---------|
| Signature         |                | Date | 6-24-05 |
| Name (Print/Type) | John S. Egbert |      |         |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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06/28/2005 SSESHE1 00000006 10038278 395.00 OP  
01 FC:2801



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Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2005

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)  
395

## Complete if Known

|                      |                  |
|----------------------|------------------|
| Application Number   | 10/038278        |
| Filing Date          | 4 Jan 2002       |
| First Named Inventor | OMURA, Yoshiharu |
| Examiner Name        | Smalley, J. N.   |
| Art Unit             | 3727             |
| Attorney Docket No.  | 771,057          |

METHOD OF PAYMENT (check all that apply)  
☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number  
08-0879  
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 1011 300                   | 2011 150                   | Utility filing fee     |          |
| 1012 200                   | 2012 100                   | Design filing fee      |          |
| 1013 200                   | 2013 100                   | Plant filing fee       |          |
| 1014 300                   | 2014 150                   | Reissue filing fee     |          |
| 1005 200                   | 2005 100                   | Provisional filing fee |          |

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims  -20\*\* =  X  =   
Independent Claims  -3\*\* =  X  =   
Multiple Dependent  =

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  |
|----------------------------|----------------------------|--|
| 1202 18                    | 2202 9                     | Claims in excess of 20                                     |
| 1201 86                    | 2201 43                    | Independent claims in excess of 3                          |
| 1203 290                   | 2203 145                   | Multiple dependent claim, if not paid                      |
| 1204 86                    | 2204 43                    | ** Reissue independent claims over original patent         |
| 1205 18                    | 2205 9                     | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

#### Large Entity / Small Entity

| Fee Code   | Fee (\$)        | Fee Description  | Fee Paid |
|------------|-----------------|--|----------|
| 1111/2111  | 500.00/250.00   | Utility Search Fee   |          |
| 1112/2112  | 100.00/50.00    | Design Search Fee  |          |
| 1113/2113  | 300.00/150.00   | Plant Search Fee   |          |
| 1114/2114  | 500.00/250.00   | Reissue Search Fee   |          |
| 1311/2311  | 200.00/100.00   | Utility Examination Fee  |          |
| 1312/2312  | 130.00/65.00    | Design Examination Fee   |          |
| 1313/2313  | 160.00/80.00    | Plant Examination Fee  |          |
| 1314/2314  | 600.00/300.00   | Reissue Examination Fee  |          |
| 1201/2201  | 200.00/100.00   | Independent claims in excess of three                                      |          |
| 1202/2202  | 50.00/25.00     | Claims in excess of twenty   |          |
| 1051/2051  | 130.00/65.00    | Surcharge-Late filing fee oath/declaration                                 |          |
| 1251/2251  | 120.00/60.00    | Extension for response within first month                                  |          |
| 1252/2252  | 450.00/225.00   | Extension for response within second month                                 |          |
| 1253/2253  | 1,020.00/510.00 | Extension for response within third month                                  |          |
| 1462       | 400.00          | Petitions to the Director (Group I)  |          |
| 1463       | 200.00          | Petitions to the Director (Group II)                                       |          |
| 1464       | 130.00          | Petitions to the Director (Group III)                                      |          |
| 1452/2452  | 500.00/250.00   | Petition to revive unavailably abandoned                                   |          |
| 1453/2453  | 1,500.00/750.00 | Petition to revive unintentionally abandoned                               |          |
| 1631/2631  | 300.00/150.00   | Basic National Stage Fee   |          |
| 1632/2632  | 500.00/250.00   | National Stage Search Fee  |          |
| 1633/2633  | 200.00/100.00   | National Stage Examination Fee   |          |
| 1614/2614  | 200.00/100.00   | Claims - extra independent (over three)                                    |          |
| 1615/2615  | 50.00/25.00     | Claims - extra total (over twenty)   |          |
| 1616/2616  | 360.00/180.00   | Claims - multiple dependent  |          |
| 1617/2617  | 130.00/65.00    | Oath/declaration after 30 mos from priority                                |          |
| 1618       | 130.00          | English trans. after 30 mos from priority                                  |          |
| 1501 1,330 | 2501 665        | Utility issue fee (or reissue)   |          |
| 1502 480   | 2502 240        | Design issue fee   |          |
| 1503 640   | 2503 320        | Plant issue fee  |          |
| 1460 130   | 1460 130        | Petitions to the Commissioner  |          |
| 1807 50    | 1807 50         | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180   | 1806 180        | Submission of Information Disclosure Stmt                                  |          |
| 8021 40    | 8021 40         | Recording each patent assignment per property (times number of properties) |          |
| 1809 770   | 2809 385        | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 770   | 2810 385        | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 770   | 2801 385        | Request for Continued Examination (RCE)                                    | 395      |
| 1802 900   | 1802 900        | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)  
395

## SUBMITTED BY

Name (Print/Type) John S. Eberly

Signature

Registration No.

30627

(Attorney/Agent)

(Complete if applicable)

Telephone 713224-8080

Date

6-24-05

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